

§ 294.26

(e) *General Forest, Rangeland, and Grassland.* (1) For mineral leases, contracts, permits, and other associated activities authorized after October 16, 2008, the Forest Service will not recommend, authorize, or consent to road construction or reconstruction associated with mineral leases in Idaho Roadless Areas designated as General Forest, Rangeland, and Grassland theme; except such road construction or reconstruction may be authorized by the responsible official in association with phosphate deposits as described in Figure 3-20 in section 3.15 Minerals and Energy in the Roadless Area Conservation; National Forest System Lands in Idaho Final Environmental Impact Statement. Surface use or occupancy without road construction or reconstruction is permissible for all mineral leasing unless prohibited in the land management plan components.

(2) After October 16, 2008, the Forest Service may authorize the use or sale of common variety mineral materials, and associated road construction or reconstruction to access these mineral materials, in Idaho Roadless Areas designated as General Forest, Rangeland, and Grassland only if the use of these mineral materials is incidental to an activity otherwise permissible in General Forest, Rangeland, and Grassland under this subpart.

(3) Road construction or reconstruction associated with mining activities permissible under this subsection may only be approved after evaluating other access options.

(4) Road construction or reconstruction associated with mining activities permissible under this subsection must be conducted in a manner that minimizes effects on surface resources and must be consistent with land management plan components as provided for in § 294.28(d). Roads constructed or reconstructed must be decommissioned upon completion of the project, or expiration of the lease, or permit, or other authorization, whichever is sooner.

§ 294.26 Other activities in Idaho Roadless Areas.

(a) *Motorized travel.* Nothing in this subpart shall be construed as affecting existing roads or trails in Idaho

36 CFR Ch. II (7–1–15 Edition)

Roadless Areas. Decisions concerning the future management of existing roads or trails in Idaho Roadless Areas shall be made during the applicable travel management process.

(b) *Grazing.* Nothing in this subpart shall be construed as affecting existing grazing permits in Idaho Roadless Areas. Future road construction associated with livestock operations shall conform to this subpart.

(c) *Motorized equipment and mechanical transport.* Nothing in this subpart shall be construed as affecting the use of motorized equipment and mechanical transport in Idaho Roadless Areas.

§ 294.27 Corrections and modifications.

Correction or modification of designations made pursuant to this subpart may occur under the following circumstances:

(a) *Administrative corrections.* Administrative corrections to the maps of lands identified in § 294.22(c) include, but are not limited to, adjustments that remedy clerical errors, typographical errors, mapping errors, or improvements in mapping technology. The Chief may issue administrative corrections after a 30-day public notice and opportunity to comment.

(b) *Modifications.* The Chief may add to, remove from, or modify the designations and management classifications listed in § 294.29 based on changed circumstances or public need. The Chief shall provide at least a 45-day public notice and opportunity to comment for all modifications.

§ 294.28 Scope and applicability.

(a) After October 16, 2008 subpart B of this part shall have no effect within the State of Idaho.

(b) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to October 16, 2008.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to October 16, 2008.

(d) The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component. Land management plan components that are not inconsistent

Forest Service, USDA

§ 294.29

with this subpart will continue to provide guidance for projects and activities within Idaho Roadless Areas; as shall those related to protection of threatened and endangered species. This subpart does not compel the amendment or revision of any land management plan.

(e) The prohibitions and permissions set forth in the subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(f) This subpart shall not apply to Forest Plan Special Areas within Idaho Roadless Areas.

(g) Nothing in this subpart waives any applicable requirements regarding site-specific environmental analysis, public involvement, consultation with Tribes and other agencies, or compliance with applicable laws.

(h) This subpart does not modify the unique relationship between the United

States and Indian Tribes that requires the Federal Government to work with federally recognized Indian Tribes government-to-government as provided for in treaties, laws or Executive orders. Nothing herein limits or modifies prior existing tribal rights, including those involving hunting, fishing, gathering, and protection of cultural and spiritual sites.

(i) If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.

§ 294.29 List of designated Idaho Roadless Areas.

The acronyms used in the list are Wild Land Recreation (WLR), Backcountry/Restoration (BCR), General Forest, Rangeland, and Grassland (GFRG), Special Areas of Historic or Tribal Significance (SAHTS) and Forest Plan Special Areas (FPSA).

| Forest | Idaho roadless area | # | WLR | Primitive | BCR | GFRG | SAHTS | FPSA |
|--------|------------------------|-----|-----|-----------|-----|------|-------|------|
| Boise | Bald Mountain | 019 | | | X | | | X |
| Boise | Bear Wallow | 125 | | X | | | | X |
| Boise | Bernard | 029 | | | X | | | X |
| Boise | Black Lake | 036 | | | X | | | X |
| Boise | Blue Bunch | 923 | | | X | | | X |
| Boise | Breadwinner | 006 | | | X | | | X |
| Boise | Burnt Log | 035 | | | X | | | X |
| Boise | Cathedral Rocks | 038 | | X | | | | X |
| Boise | Caton Lake | 912 | | | X | X | | X |
| Boise | Cow Creek | 028 | | X | | | | |
| Boise | Danskin | 002 | | X | | | | X |
| Boise | Deadwood | 020 | | X | X | | | X |
| Boise | Elk Creek | 022 | | | X | | | X |
| Boise | Grand Mountain | 007 | | | X | | | X |
| Boise | Grimes Pass | 017 | | | X | X | | X |
| Boise | Hanson Lakes | 915 | X | X | | | | X |
| Boise | Hawley Mountain | 018 | | X | | | | |
| Boise | Horse Heaven | 925 | | | X | X | | |
| Boise | House Mountain | 001 | | X | | | | X |
| Boise | Lime Creek | 937 | | X | | | | |
| Boise | Lost Man Creek | 041 | | X | | | | X |
| Boise | Meadow Creek | 913 | | | X | X | | X |
| Boise | Mt Heinen | 003 | | X | | | | |
| Boise | Nameless Creek | 034 | | | X | | | |
| Boise | Needles | 911 | X | X | X | X | | X |
| Boise | Peace Rock | 026 | | X | X | | | X |
| Boise | Poison Creek | 042 | | | X | | | |
| Boise | Poker Meadows | 032 | | | X | | | X |
| Boise | Rainbow | 008 | | X | | | | X |
| Boise | Red Mountain | 916 | X | X | X | X | | X |
| Boise | Reeves Creek | 010 | | | X | | | |
| Boise | Sheep Creek | 005 | | X | | | | X |
| Boise | Smoky Mountains | 914 | | X | | | | X |
| Boise | Snowbank | 924 | | X | | | | |
| Boise | Steel Mountain | 012 | | X | | | | X |
| Boise | Stony Meadows | 027 | | X | X | | | |
| Boise | Ten Mile/Black Warrior | 013 | X | X | | X | | X |
| Boise | Tennessee | 033 | | | X | | | X |
| Boise | Whiskey | 031 | | | X | | | |
| Boise | Whiskey Jack | 009 | | X | | | | |